

BEST AVAILABLE COPY

JC04 Rec'd PCT/PTO 27 JUL 2005

PATENT Case No. 21114YP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Kenneth L. Arrington, et al.

Serial No. 10/517,559

Filed: December 8, 2004

For: MITOTIC KINESIN INHIBITORS

Art Unit: To be determined

Examiner: To be determined

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).


2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By  Date 7/25/05

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: David A. Muthard
Attorney _____ For Applicant(s)

Reg. No. 35,297 _____

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-3903 _____

Date: July 25, 2005 _____

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Kenneth L. Arrington, et al.		Art Unit:
Serial No.:	10/517,559	Case No.:	21114YP
Filed:	December 8, 2004		<u>To be determined</u>
For:	MITOTIC KINESIN INHIBITORS		Examiner:
			<u>To be determined</u>

Commissioner of Patents
Alexandria, Virginia

EXPLANATION OF RELEVANCE OF NON-ENGLISH DOCUMENTS UNDER 37
C.F.R. 1.98(a)(3)(i)

Sir:

Applicants respectfully note that one (1) of the documents listed on the USPTO 1449 for submitted herewith is not in the English language and a copy of an English translations of that documents is not within the possession, custody or control of Applicants, and, to the Applicants knowledge, is not readily available. Below is a concise explanation of the relevance of that non-English documents:

The French scientific publication by O. Yebdri and F. Texier (*Bull. Soc. Chim. Fr.*) discloses preparation of a series of 2,3-dihydro-4-phenyl pyrrole compounds having nitrile and ester disubstitution on the 3-position. The Yebdri publication also describes saponification of the ester to provide the corresponding 2,5-dihydropyrrole compound (see for instance compound 19). There is no disclosure in the Yebdri publication of a pharmaceutical use for the compounds disclosed therein.

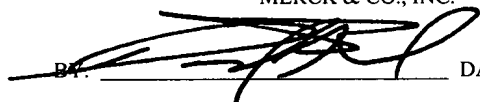
The French scientific publication by A. Ranjon (*Bull. Soc. Chim. Fr.*) discloses photooxidation reactions of polyphenyl imidazole and polyphenyl pyrrole compounds in which 2,5-endoperoxide derivatives are transient intermediates. The Ranjon publication also describes dihydroxypyrrole intermediates in such reactions (see for instance compound 29). There is no disclosure in the Ranjon publication of a pharmaceutical use for the compounds disclosed therein.

The instant invention discloses certain substituted 2,4-diaryl-2,5-dihydropyrroles that are inhibitors of the mitotic kinesin KSP and are useful in the treatment of cancer.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O.
BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE
DATE APPEARING BELOW.

MERCK & CO., INC.

By:  DATE: 7/25/05

Respectfully submitted,

By: 

David A. Muthard
Reg. No. 35,297
Attorney for Applicant(s)
MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-3903

Date: July 25, 2005

STATEMENT BY APPLICANT

COMPLETE IF KNOWN

Attorney Docket Number	21114YP
------------------------	---------

21114YP

~~Sheet~~

1

of

2

BEST AVAILABLE COPY

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., -7/12/2005

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				COMPLETE IF KNOWN	
				Application Number	10/517,559
				Filing Date	December 8, 2004
				First Named Inventor	Kenneth L. Arrington
				Group Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	21114YP

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		C. Sonesson, et al., J. Org. Chem. 1996, Vol. 61, pg. 4756-4763
		N. Iwasawa, et al., J. Org. Chem. 1998, Vol. 63, pg. 3164-3165
		N. Iwasawa, et al., J. Org. Chem. 1997, Vol. 62, pg. 1918-1919
		R. Mison, et al., J. Chem. Research(S), 1989, 126-127
		O. Yebdri, et al., Bulletin De La Societe Chimique de France, 1983, pg. 195-201
		A. Ranjon, Bulletin De La Societe Chimique de France, 1971, pg. 2068-2072
		M. Bujard, et al., Tetrahedron Letters, Vol. 40, 1999, pg. 8785-8788
		M. Carpes, et al., Synlett, No. 7, 2000, pg. 1037-1039
		A. Boukhari, et al., J. Cryst. Spect. Res., Vol. 19, Iss. 3, 1989, pg. 603-621

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

BEST AVAILABLE COPY